

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 45

## **HOUSE BILL 2426**

AN ACT

AMENDING SECTIONS 44-1301, 44-1304.01, 49-762, 49-762.01 AND 49-762.02,  
ARIZONA REVISED STATUTES; RELATING TO WASTE TIRES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 44-1301, Arizona Revised Statutes, is amended to read:

44-1301. Definitions

In this article, unless the context otherwise requires:

1. "Motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport persons or property and propelled by power other than muscular power, but motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds.

2. "Off road motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, heavy equipment used in mining or metallurgical operations, agriculture, construction or earth moving, airplanes or other ~~vehicle~~ VEHICLES operated off the roads of this state, used to transport persons, ~~OR~~ property or used for agricultural, construction or earth moving activities and propelled by power other than muscular power, but off road motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds.

3. "PERSON" MEANS ANY PUBLIC OR PRIVATE CORPORATION, COMPANY, PARTNERSHIP, FIRM, ASSOCIATION OR SOCIETY OF PERSONS, THE FEDERAL GOVERNMENT AND ANY OF ITS DEPARTMENTS OR AGENCIES, THIS STATE OR ANY OF ITS AGENCIES, DEPARTMENTS, POLITICAL SUBDIVISIONS, COUNTIES, TOWNS OR MUNICIPAL CORPORATIONS, AS WELL AS A NATURAL PERSON.

~~3-~~ 4. "Waste tire" means a MOTOR VEHICLE tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

~~4-~~ 5. "Waste tire collection site" means a site where waste tires are collected before being offered for recycling or reuse and where more than five hundred tires are kept on site on any day.

Sec. 2. Section 44-1304.01, Arizona Revised Statutes, is amended to read:

44-1304.01. Storage, disposal, discard or abandonment of used motor vehicle tires; violation; classification; exception

A. It is unlawful to store one hundred or more used motor vehicle tires outdoors as follows:

1. In any fashion that exceeds twenty feet in height.

2. In a pile that is more than one hundred fifty feet from a twenty foot wide access route that allows fire control apparatus to approach the pile. Access routes between and around tire piles shall be at least twenty feet wide and maintained free of accumulations of rubbish, equipment or other materials. Access routes shall be spaced so that a maximum grid system unit of fifty feet by one hundred fifty feet is maintained.

3. Within three feet of any property line.

1           4. In any fashion that exceeds six feet in height if the used tires  
2 are stored between three and ten feet of any property line.

3           5. Within fifty feet of any area in which smoking of tobacco or any  
4 other substance by persons is permitted. "No smoking" signs shall be posted  
5 in suitable and conspicuous locations.

6           6. At any area in which the used motor vehicle tires are stored and in  
7 which electrical wiring, fixtures or appliances do not comply with the  
8 national electrical code.

9           7. Without placing class "2A-10BC" type fire extinguishers at well  
10 marked points throughout the storage area so that the travel distance from  
11 any point in the storage area to a fire extinguisher is not more than  
12 seventy-five feet.

13           8. WITHOUT PRIOR REGISTRATION OF THE SITE WITH THE DEPARTMENT OF  
14 ENVIRONMENTAL QUALITY. THE REGISTRATION SHALL BE ON A FORM APPROVED BY THE  
15 DEPARTMENT AND SHALL INCLUDE THE SITE'S LOCATION, THE OWNER OF THE PROPERTY,  
16 THE OWNER OR OPERATOR OF THE BUSINESS STORING THE WASTE TIRES, IF APPLICABLE,  
17 AND THE TYPE AND APPROXIMATE QUANTITY OF WASTE TIRES STORED AT THE SITE. FOR  
18 ANY WASTE TIRE COLLECTION SITE THAT IS OPERATING ON THE EFFECTIVE DATE OF  
19 THIS AMENDMENT TO THIS SECTION, THE OWNER OF THE PROPERTY SHALL REGISTER  
20 PURSUANT TO THIS PARAGRAPH WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS  
21 AMENDMENT TO THIS SECTION.

22           B. A person who knowingly discards or abandons five hundred or more  
23 motor vehicle tires, discards or abandons any motor vehicle tires for  
24 commercial purposes except as provided in section 44-1304, or otherwise  
25 knowingly performs any act prohibited by subsection A of this section  
26 involving five hundred or more motor vehicle tires is guilty of a class 5  
27 felony.

28           C. The attorney general may enforce this section.

29           D. ~~As used in~~ FOR THE PURPOSES OF this section, ~~"used motor vehicle~~  
30 ~~tires"~~ does not include tires that have been recapped and have not yet been  
31 put back into service.

32           Sec. 3. Section 49-762, Arizona Revised Statutes, is amended to read:

33           49-762. Facilities requiring solid waste facility plans

34           The owner or operator of the following solid waste facilities shall  
35 obtain approval of a solid waste facility plan in accordance with sections  
36 49-762.03 and 49-762.04:

- 37           1. Solid waste land disposal facilities.
- 38           2. Biosolids processing facilities.
- 39           3. Medical waste facilities.
- 40           4. Special waste facilities.
- 41           5. Municipal solid waste landfills.
- 42           6. Commercial or government-owned household waste composting  
43 facilities.

1           7. A SITE AT WHICH FIVE HUNDRED OR MORE WASTE TIRES ARE STORED ON ANY  
2 DAY AND ANY TIRE IS STORED FOR MORE THAN TWELVE MONTHS UNLESS THE SITE IS A  
3 WASTE TIRE COLLECTION SITE OWNED BY A MUNICIPALITY OR A COUNTY.

4           Sec. 4. Section 49-762.01, Arizona Revised Statutes, is amended to  
5 read:

6           49-762.01. Facilities requiring self-certification

7           The owner or operator of all solid waste facilities that are not listed  
8 in either section 49-762 or 49-762.02 shall comply with self-certification  
9 procedures prescribed by section 49-762.05. ~~A waste tire facility shall also~~  
10 ~~comply with self-certification procedures prescribed by section 49-762.05.~~ A  
11 WASTE TIRE FACILITY THAT IS NOT REQUIRED TO OBTAIN SOLID WASTE FACILITY PLAN  
12 APPROVAL PURSUANT TO SECTION 49-762, PARAGRAPH 7 MUST COMPLY WITH  
13 SELF-CERTIFICATION PROCEDURES AS PRESCRIBED IN SECTION 49-762.05.

14           Sec. 5. Section 49-762.02, Arizona Revised Statutes, is amended to  
15 read:

16           49-762.02. Facilities subject to best management practices;  
17 rules

18           The following solid waste facilities are subject to best management  
19 practices adopted in accordance with section 49-761, subsection H:

20           1. Transfer facilities that have a daily solid waste throughput of one  
21 hundred eighty cubic yards or less.

22           2. Recycling facilities that are located off site, that are used for  
23 the collection of recyclable material, that have a storage capacity of one  
24 hundred eighty cubic yards or less and that store the recyclable material for  
25 less than ninety days.

26           3. Recycling facilities that are located on site and that are used  
27 solely for the collection and storage of recyclable material for less than  
28 one hundred eighty days.

29           4. Closed loop recycling facilities that are located at the site of  
30 waste generation.

31           ~~5. A site at which more than five hundred and fewer than five thousand~~  
32 ~~waste tires are stored on any day.~~

33           5. A SITE AT WHICH MORE THAN FIVE HUNDRED AND FEWER THAN FIVE THOUSAND  
34 WASTE TIRES ARE STORED ON ANY DAY AND THAT IS NOT REQUIRED TO OBTAIN SOLID  
35 WASTE FACILITY PLAN APPROVAL PURSUANT TO SECTION 49-762, PARAGRAPH 7.

36           6. A solid waste facility where only asbestos-containing waste  
37 material MATERIALS from manufactured products are stored, processed, treated  
38 or disposed. The best management practices for these facilities that shall  
39 apply are as follows:

40           (a) For solid waste facilities handling asbestos-containing waste  
41 materials that are regulated under the national emission standards for  
42 hazardous air pollutants in 40 Code of Federal Regulations part 61,  
43 subpart M:

- 1 (i) The national emission standards for hazardous air pollutants that  
2 are incorporated by reference in the rules adopted pursuant to chapter 3 of  
3 this title.
- 4 (ii) For solid waste land disposal facilities that are not municipal  
5 solid waste landfills, 40 Code of Federal Regulations part 257.
- 6 (iii) For solid waste land disposal facilities, financial assurance  
7 pursuant to the requirements and time frames of section 49-770.
- 8 (iv) Solid waste facility notification pursuant to section 49-762.05,  
9 subsection B, paragraph 5.
- 10 (v) Compliance with local zoning laws or section 49-767, if  
11 applicable.
- 12 (b) For solid waste facilities handling asbestos-containing waste  
13 materials that are not regulated under the national emission standards for  
14 hazardous air pollutants in 40 Code of Federal Regulations part 61,  
15 subpart M:
- 16 (i) Compliance with section 49-762.07.
- 17 (ii) Compliance with local zoning laws or section 49-767, if  
18 applicable.
- 19 7. Any other solid waste facility that the director determines by rule  
20 should be subject to best management practices.

APPROVED BY THE GOVERNOR APRIL 16, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2008.